

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 298

Introduced by Assembly Member Bates

February 6, 2003

An act to add and repeal Section 56141 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as amended, Bates. Special education.

Existing law requires a school district, special education local plan area, or county office of education, in providing appropriate programs to individuals with exceptional needs residing in licensed children's institutions or foster family homes, to first consider services in programs operated by public education agencies for individuals with exceptional needs. If those programs are not appropriate, existing law requires special education and related services to be provided by contract with a nonpublic, nonsectarian school.

This bill would authorize, until July 1, 2009, the Orange County Department of Education to establish, on a pilot project basis, a program to provide opportunities for certain identified pupils to be educated in a less restrictive environment appropriate to the needs for integrated services for those pupils and to avoid placing those pupils in a nonpublic, nonsectarian school setting. The identified pupils would be those who are in licensed children's institutions or foster family homes

and currently placed in a nonpublic, nonsectarian school program by school districts in the county but unable to be returned to an appropriate public school program. The bill would require the Superintendent of Public Instruction to provide to the Orange County Department of Education funds per pupil participating in the pilot program in an amount not to exceed the amount that would be received by a nonpublic, nonsectarian school for the same pupil. The bill would require the Orange County Department of Education to annually conduct an evaluation of the pilot program and to report on the evaluation to the Legislature by December 1 of each year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56141 is added to the Education Code,
2 to read:
3 56141. (a) The Orange County Department of Education
4 may establish, on a pilot project basis, a program to provide
5 opportunities for pupils identified pursuant to subdivision (b) to be
6 educated in a less restrictive environment appropriate to the need
7 for integrated services for those pupils and to avoid placing those
8 pupils in a nonpublic, nonsectarian school setting.
9 (b) The Orange County Department of Education shall identify
10 pupils who are in licensed children's institutions or foster family
11 homes and currently placed in a nonpublic, nonsectarian school
12 program by school districts in the county but unable to be returned
13 to an appropriate public school program.
14 (c) Services provided to a pupil participating in the pilot
15 program that are provided according to the pupil's individualized
16 education program, including, but not limited to, psychotherapy,
17 mental health, residential, or other services provided under
18 Chapter 26.5 (commencing with Section 7570) of Division 7 of
19 Title 1 of the Government Code, shall be continued unless
20 otherwise agreed to by a review of the pupil's expanded
21 individualized education program team.
22 (d) The Superintendent of Public Instruction shall provide to
23 the Orange County Department of Education funds per pupil
24 participating in the pilot program established pursuant to this
25 section in an amount not to exceed the amount that would be



received by a nonpublic, nonsectarian school for the same pupil. *The Orange County Department of Education shall deposit all funds received pursuant to this section into a restricted account and shall expend those funds only for the benefit of the pupils in the pilot program and for the support of the pilot program.* If the funds provided to serve pupils in this pilot project exceed the costs for serving pupils, the Orange County Department of Education shall return the surplus funds to the Superintendent of Public Instruction.

(e) An evaluation of the pilot program established pursuant to this section shall be conducted annually by the Orange County Department of Education and reported to the Legislature by December 1 of each year. The evaluation shall be funded entirely from the funds provided to the Orange County Department of Education under subdivision (d). The evaluation shall include, but not be limited to, all of the following:

(1) The academic progress of each pupil participating in the pilot program.

(2) The extent to which each pupil participating in the pilot program is meeting the educational and behavioral goals identified in the individualized education program of the pupil.

(3) The success of the pilot program in serving the participating pupils as compared to the service and education the pupils would otherwise have received in a nonpublic, nonsectarian school.

(4) The results of an annual satisfaction survey, which shall be provided to all parents, foster parents, caregivers, and group home providers of pupils participating in the pilot program.

(5) A comparison of the costs associated with the pilot program to that of the current nonpublic, nonsectarian school rate for comparable services.

(f) This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. The Legislature finds and declares that, because of unique circumstances applicable to the County of Orange, a statute of general applicability cannot be enacted within the meaning of

- 1 subdivision (b) of Section 16 of Article IV of the California
- 2 Constitution. Therefore, this special statute is necessary.

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